

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.L.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TINA LOUISE RUSSEL,

Respondent-Appellant,

and

DEAN ROCHELLE,

Respondent.

In the Matter of D.L.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

DEAN ROCHELLE,

Respondent-Appellant,

and

TINA LOUISE RUSSELL,

Respondent.

Before: Whitbeck, C.J., and White and Donofrio, JJ.

UNPUBLISHED

May 22, 2003

No. 242654

Wayne Circuit Court

Family Division

LC No. 00-390487

No. 242657

Wayne Circuit Court

Family Division

LC No. 00-390487

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the order of the trial court terminating their parental rights to their minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(A) and (E).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Before the child's birth both respondents used illegal drugs, and the child was born with illegal drugs in his system and suffered associated symptoms. Respondents' drug addictions were conditions that were never rectified as neither respondent successfully addressed the issue. Both respondents failed in efforts at parenting, bonding and sustained commitment to the child. In addition, respondents failed to maintain a home suitable for a child. At the time of termination, respondents had no home to which the child could be returned in safety.

Further, the evidence did not show that termination of respondents' parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondents made only minimal efforts to regain custody of their child, and it cannot be said that termination was clearly not in the child's best interests. Therefore, the trial court did not err in terminating respondents' parental rights.

We further reject respondent father's arguments that he was not provided with services and that the trial court erred in terminating his appointed counsel during the times that respondent father ceased communication with his counsel. Numerous services were provided to assist respondent father with his drug addiction, but were unsuccessful. Respondent father's failure to notify his attorney or the agency of his whereabouts while he was incarcerated resulted in services not being offered to him during that time. Yet even when not incarcerated, respondent father did not take advantage of the services offered. Moreover, the right to counsel in termination of parental rights cases requires affirmative action on the part of the respondent to trigger and continue the appointment of counsel *In re Hall*, 188 Mich App 217, 218; 469 NW2d 56 (1991). In this case, counsel was appointed for respondent father, but he then failed to maintain contact with either his attorney or the agency and did not attend hearings. After approximately seven months, the trial court removed his appointed counsel. When respondent father again began to participate, counsel was again appointed to represent him. We find no error on the part of the trial court.

Affirmed.

/s/ William C. Whitbeck
/s/ Helene N. White
/s/ Pat M. Donofrio